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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Reference: QMP-1172-98

Date: July 30, 1998

To: Dan S. Emerick
FCC

202-418-7290

From: K. Shadoff
Canon U.S.A., Inc., Quality Management Dept.

Subject: Comments Regarding CI Docket 98-68; FCC 98-97

Enclosed please find Canon's comments with regard to CI Docket 98-68; FCC 98-97.

I attempted to submit these comments via the FCC web site, but encountered an error stating that the system did not recognize the proceeding. Therefore, please accept this fax message as our formal comments on this issue.

If you have any questions or comments, please feel free to contact me at 516-328-5602 or by fax at 516-328-5169. Thank you.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To whom it may concern:

The following will serve as our comments in the matter of Importation of Radio Frequency Devices Capable of Causing Harmful Interference published in CI Docket No. 98-69 (FCC 98-97), released on June 5, 1998.

Our comments are focused on the proposal to modify 47CFR 2.1204(a)(5).

We believe that the modification of this section of the FCC Rules, as proposed, will prevent the practice of selling products to Original Equipment Manufacturers (OEMs) who will then export the device. Canon Inc. (headquartered in Japan) manufactures several products for OEM companies in the U.S. which are intended for final distribution in foreign markets. These products are shipped from Canon Inc. to Canon U.S.A., Inc. for sale to (but not for use by) the OEM company within the U.S. The OEM companies then export the products via their distribution channels to foreign markets.

In some cases, the product that is sold to the OEM is intended to be incorporated into another end product by a systems integrator (specifically for export). In other cases, the product is exported by the OEM "as is" to the foreign market, possibly after being repackaged.

In the past, we received an interpretation of 47CFR 2.1204(a)(5) from Mr. Dan Emrick dated October 10, 1998. This interpretation was in response to our letter dated October 6, 1997 (REF: QMP-1268-97). Mr. Emrick confirmed that it is acceptable to use the import for export affirmation on the FCC 740 Form under the above referenced circumstances.

Clearly this situation does not pose any RF interference problems. Therefore, ^{Canon}we would urge you to consider this situation and allow for us to continue this practice. We would like to propose a solution similar to that used under 47CFR 2.803(b) to allow conditional sale to other manufacturers who will be expected to export the device.

Thank you in advance you your consideration of our comments.

Sincerely,



Ken Shadoff
Senior Product Safety Engineer
Quality Management Dept.



FEDERAL COMMUNICATIONS COMMISSION
Compliance and Information Bureau
Washington, D.C. 20554

October 10, 1997

Ken Shadoff,
Product Safety Engineer
Quality Management Dept.

Dear Mr. Shadoff:

This is in reply to your letter dated October 6, 1997, concerning the importation of a Canon product (a visual communications camera) for use in Europe.

Under the current FCC rules, unapproved radio frequency devices can be imported provided the importer can ensure that none of the devices are sold for use in the United States. To the extent that the process you described in your letter meets this requirement, importation of this type of device under 47 C.F.R. 2.1205(a)(5) (import for export) is appropriate.

If you have any additional questions or concerns, please feel free to contact Paul J. Harris of my staff at (202) 418-1166.

Sincerely,

A handwritten signature in cursive script, reading "Dan S. Emrick", is written above the typed name.

Dan S. Emrick,
Director, Investigations Group



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ONE CANON PLAZA
LAKE SUCCESS, NY 11042-1198
TELEPHONE: (516) 328-5000
GENERAL FAX TELEPHONE
(516) 328-5069

DATE: October 6, 1997
REF: QMP-1268-97

Mr. Dan S. Emrick
Federal Communications Commission
1919 M Street NW, Room 744
Washington, D.C. 20554

Subject: Clarification Of FCC Rules Under 47CFR 2.1205(a)(5)

Dear Mr. Emrick:

We respectfully request an interpretation of the FCC rules pertaining to import for export conditions specified under 47CFR 2.1205(a)(5). This paragraph states that "Radio frequency devices may be imported only if one or more of these conditions are met:... The radio frequency device is being imported solely for export. The device will not be marketed or offered for sale for use in the U.S."

We are proposing to import a Canon product that has been approved for the European market. This product, a visual communications camera, is subject to FCC Verification as a Class A digital device. In fact, we currently market an approved 120V 60Hz version of this product for use in the U.S.

After importation of the European model, Canon intends to sell it to a third party who will incorporate this product into their system which will be solely exported to Europe.

We believe that under 47CFR 2.1205(a)(5), a product may be imported for sale to a systems integrator who will export the resulting system, provided the product is not for sale for use in the U.S. Given these circumstances, we would like to request your confirmation that it is allowable to import this device under the import for export condition provided on FCC Form 740.

If you have any questions regarding our request, please feel free to contact me at 516-328-5602 or by fax at 516-328-5169. Thank you.

Sincerely,

Ken Shadoff
Product Safety Engineer
Quality Management Dept.